

AMENDMENTS TO THE CLAIMS

1. (Previously Presented) A method for allocating radio resources of a radio communication network to a plurality of users, where a user is allocated a certain transmission capacity, the method comprising:
determining a utilization factor relating to said transmission capacity; and
allocating the radio resources depending on said utilization factor,
wherein, the step of determining said utilization factor includes determining how much of said transmission capacity is actually used by said user; and
wherein, said utilization factor is determined by detecting time intervals in which the user does not exploit the transmission capacity allocated to him.
2. (Canceled)
3. (Previously Presented) The method according to claim 1, wherein, said time intervals are detected, in which the user does not transmit or receive any data.
4. (Previously Presented) The method according to claim 3, wherein, said time intervals are detected by directly monitoring a radio interface of the radio communication network and detecting time periods without any data throughput.
5. (Previously Presented) The method according to claim 3, wherein, a multilayer protocol stack with a first layer is used to transmit data between a transmitter and a receiver and said time intervals are detected by monitoring said first layer directly in the transmitter and/or the receiver.
6. (Previously Presented) The method according to claim 3, wherein, the user is allocated radio resources by allocating a data transmission rate and said time intervals are detected by subtracting a target transmission time for transmitting a certain amount of data with said data transmission rate from an actual transmission time required by the user to transmit said

amount of data, where the actual transmission time is measured and the target transmission time is calculated by dividing said amount of data by said data transmission rate.

7. (Previously Presented) The method according to one of claims 1 and 3 to 6, wherein the transmission capacity allocated to the user comprises several transmission channels and the utilization factor is determined separately for each transmission channel.

8. (Previously Presented) A radio communication network, comprising:
means adapted to allocate radio resources to a plurality of users, where a user is allocated a certain transmission capacity; and
means adapted to determine a utilization factor relating to said transmission capacity,
wherein, the means adapted to allocate radio resources are adapted to allocate the radio resources depending on said utilization factor, and

the means adapted to determine said utilization factor include means adapted to determine how much of said transmission capacity is actually used by said user, and
the means adapted to determine the utilization factor are adapted to detect time intervals, in which the user does not exploit the transmission capacity allocated to him.

9. (Canceled)

10. (Previously Presented) The radio communication network according to claim 8, wherein the means adapted to determine the utilization factor are adapted to detect time intervals, in which the user does not transmit or receive any data.

11. (Previously Presented) The radio communication network according to claim 8,
wherein, the transmission capacity can be allocated to a user by allocating several transmission channels to the user, and
the means adapted to determine the utilization factor are adapted to determine the utilization factor separately for each transmission channel.

12. (Previously Presented) A device for a radio communication network according to claim 8,

wherein, the device includes means adapted to determine a utilization factor relating to said transmission capacity, said determining means including means adapted to determine how much of said transmission capacity is actually used by said user.

13. (new) A method for allocating radio resources of a radio communication network to a plurality of users, where a user is allocated a certain transmission capacity, the method comprising:

determining a utilization factor relating to said transmission capacity; and

allocating the radio resources depending on said utilization factor,

wherein, the step of determining said utilization factor includes determining how much of said transmission capacity is actually used by said user; and

wherein, said utilization factor is determined by detecting the number of time intervals in which the user does not exploit the transmission capacity allocated to him.